

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**MATTHEW HOOVER,**

**Plaintiff,**

**v.**

**4 SEASONS MOTORS INC., et al.,**

**Defendants.**

**Case No. 2:21-cv-4177**

**JUDGE EDMUND A. SARGUS, JR.**

**Magistrate Judge Elizabeth Preston Deavers**

**OPINION AND ORDER**

This matter is before the Court on Plaintiff's Application for Attorney's Fees and Costs (ECF No. 22) and Motion for Judgment Debtors' Exam (ECF No. 23). The time for filing a response has passed, and Defendants have not responded. For the following reasons, the Court **GRANTS** both requests.

**I. BACKGROUND**

Matthew D. Hoover filed this action on September 15, 2021, against Samer Pharra and his company, 4 Seasons Motors, Inc. (d/b/a NCC Motor Sale) (collectively, "Defendants"). (Am. Compl., ECF No. 2.) In short, Plaintiff's Complaint alleges that Defendants tampered with a vehicle's odometer and knowingly sold him the vehicle with a false odometer reading in violation of the federal Motor Vehicle Information and Cost Savings Act, the Ohio Odometer Rollback and Disclosure Act and Ohio common law. (*See id.*)

On July 21, 2022, Plaintiff obtained default judgment on his claims. (Op. & Order, ECF No. 16.) On September 15, 2022, following a hearing on damages, Magistrate Judge Deavers recommended that Plaintiff recover \$32,971.98 in damages. (R&R, ECF No. 18.) Additionally, Magistrate Judge Deavers recommended that Plaintiff recover his attorney's fees under 49 U.S.C.

§ 32710(b) and Ohio Rev. Code § 4549.49. (*Id.*) She then instructed Plaintiff to file an application for attorney's fees should the undersigned adopt her recommendations. (*Id.*)

On October 3, 2022, the undersigned adopted Magistrate Judge Deaver's Report and Recommendation and entered default judgment against Defendants. (Op. & Order, ECF No. 20.) The following day, Plaintiff, as instructed, filed the pending request for attorney's fees and costs. (ECF No. 21.) And on December 6, 2022, Plaintiff filed the pending Motion for Judgment Debtors' Exam. (ECF No. 22.) Defendants have failed to respond to either of these motions, and the period to do so has expired. Plaintiff's motions are ripe for review.

## **II. APPLICATION FOR ATTORNEY'S FEES AND COSTS**

The Court's October 3, 2022 Opinion and Order held that Plaintiff was entitled to his attorney's fees under 49 U.S.C. § 32710(b) and Ohio Rev. Code § 4549.49. (ECF No. 20.) The Court therefore directed Plaintiff to file a request for these fees within 21 days of the Court's Order, which Plaintiff timely did. (*Id.*; Mot. for Att'y Fees, ECF No. 21.) In Plaintiff's application for attorney's fees and costs, he requests \$2,612.50 in attorney's fees and \$400.00 in costs, for a total award of \$3,012.50. (ECF No. 22.) Included as an attachment to his request is Mr. Sadlowski's (Plaintiff's counsel) billing and cost summary for this litigation. (Ex. A, ECF No. 21-1.) Plaintiff contends that the requested fees and costs are fair and reasonable. The Court agrees.

Plaintiff seeks \$2,612.50 in fees based on his \$475 hourly rate and 5.5 hours of billable work performed. (*Id.*) At the outset, the Court notes that it has "broad discretion" when determining a reasonable hourly rate for an attorney. *Wayne v. Village of Sebring*, 36 F.3d 517, 533 (6th Cir. 1994). To arrive at a reasonable hourly rate, district courts turn to the prevailing market rate, "defined as the rate that lawyers of comparable skill and experience can reasonably expect to command within the venue of the court of record." *Gonter v. Hunt Valve Co.*, 510 F.3d 610, 618

(6th Cir. 2007) (citation omitted).

Here, the Court finds Mr. Sadlowski's hourly rate of \$475 to be reasonable. *See Ramsey v. Receivables Performance Mgmt.*, 2017 U.S. Dist. LEXIS 234310, at \*19 n.10 (S.D. Ohio Jan. 23, 2018) (finding an hourly rate of \$458.91 to be reasonable for Mr. Sadlowski in 2018 based on the 1983 Rubin Committee rates). The Court also finds the number of hours Mr. Sadlowski billed to be reasonable. After carefully reviewing the billing and cost summary, the 5.5 hours billed for this matter appear neither excessive nor duplicative, and the description provided for each time entry consists of work that "a reasonable attorney would have believed . . . to be reasonably expended in pursuit of success at the point in time when the work was performed." *See Wooldridge v. Marlene Industries Corp.*, 898 F.2d 1169, 1177 (6th Cir. 1990). The Court therefore finds Plaintiff entitled to an attorney's fee award of \$2,612.50.

Plaintiff is also entitled to \$400 in costs. This award represents the cost of filing this lawsuit. (Ex. A, ECF No. 22-1.)

In sum, Plaintiff's Application for Attorney's Fees and Costs is **GRANTED**, and Plaintiff is entitled to recover \$2,612.50 in fees and \$400.00 in costs from Defendants.

### **III. MOTION FOR JUDGMENT DEBTORS' EXAM**

Also before the Court is Plaintiff's motion to order the examination of Defendant Samer Pharra and a representative of Defendant 4 Seasons Motors Inc. (d/b/a NCC Motor Sale), judgment debtors in this case, concerning Defendants' property and assets to satisfy the judgment herein. (ECF No. 23.) The Court awarded Plaintiff \$32,971.98 in damages and \$3,012.50 in attorney's fees and court costs.

Pursuant to Federal Rule of Civil Procedure 69(a)(2), and for good cause shown, Plaintiff's Motion for Judgment Debtors' Exam is **GRANTED**.

#### IV. CONCLUSION

For the foregoing reasons, the Court hereby orders the following:

- Plaintiff's Application for Attorney's Fees and Costs is **GRANTED**. (ECF No. 22.) Plaintiff is entitled to recover \$2,612.50 in fees and \$400.00 in costs from Defendants.
- Plaintiff's Motion for Judgment Debtors' Exam is **GRANTED**. (ECF No. 23.) Defendant Samer Pharra and a representative of Defendant 4 Seasons Motors Inc. (d/b/a NCC Motor Sale) are **ORDERED** to appear in person for a debtor examination before the Honorable Magistrate Judge Elizabeth P. Deavers. Magistrate Judge Deavers will issue a schedule for the debtor examination forthwith.

**IT IS SO ORDERED.**

8/22/2023  
DATE

s/Edmund A. Sargus, Jr.  
**EDMUND A. SARGUS, JR.**  
**UNITED STATES DISTRICT JUDGE**